

**REMARKS/ARGUMENTS**

Claims 1-13 and 28-26 have been withdrawn from consideration and claims 14-27 are currently pending in this application.

**Claim Rejections 35 USC 112, second paragraph**

The Examiner rejected claim 27 under 35 USC 112, second paragraph as indefinite in that the claim recites bare numbers to denote molecular weight and has not defined how the molecular weight was measured. Applicant points out that claim 27 indicates that the molecular weight is measured in g/mol. Therefore, Applicant does not understand the basis for the Examiner's rejection. If the Examiner is referring to more than the unit of measure, Applicant requests that the Examiner indicate what other information should be recited in the claims, aside from unit of measure.

**Claim Rejections 35 USC 102(b)**

The Examiner rejected claims 14-27 as being anticipated by Lynn et al. ((2001) J. American Chemical Society, Vol. 123, pages 8155-8156) ("Lynn et al."). The Examiner stated that Lynn et al. discloses polyamino(beta-amino esters) that are hydrolytically degradable, that condense plasmid DNA at physiological pH and that are readily synthesized via the conjugation of primary or secondary amines to diacrylates.

Applicant respectfully submits that Lynn et al. does not anticipate claims 14-27 of the instant application, for at least the following reasons.

Claim 14, from which claims 15-27 depend, recites a poly(amino ester) compound having a polymer back-bone having at least one secondary amine linkage and at least one tertiary amine linkage in said polymer back-bone.

Lynn et al. describes conjugation of diacrylates with amine compounds having either a single primary amino reactive group or two secondary amino reactive groups, resulting in a back-bone that contains only tertiary amine linkages. See, for example, equations I and II in Lynn et al., in which the product polymers are depicted as containing only tertiary amino groups in the back-bone. Lynn et al. does not teach or suggest conjugation of diacrylates with compounds containing one primary amino group and one secondary amino group, so as to obtain a polymer back-bone containing one secondary amine linkage and one tertiary amine linkage. Claims 14-27 are thus not anticipated by Lynn et al.

As described on page 15 of the application, the polymers claimed in the instant application contain at least one secondary amine linkage in the backbone, resulting in a polymer that is more easily protonated than a polymer containing only tertiary amine linkages in the backbone, such as the polymers described in Lynn et al. Thus, the instantly claimed polymers can be designed to have increased solubility and increased ability to bind to negatively charged molecules such as polynucleotides.

Applicant respectfully requests withdrawal of the rejection based on Lynn et al.

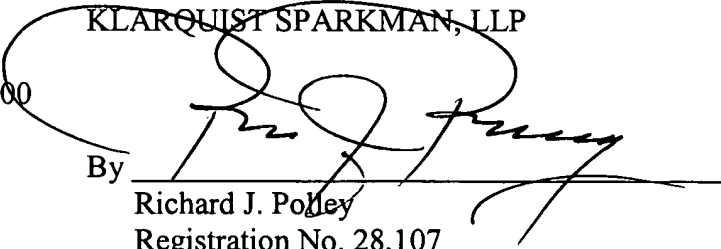
In view of the foregoing, Applicant respectfully requests allowance of the application.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By

  
Richard J. Polley  
Registration No. 28,107